

## A MATTER OF MILLIONS

Owners of the Bell Mine See the Owners of the Speculator.

## SHAFTS, DIPS AND ANGLES

A Claim That the Defendants Have Been Taking Valuable Ore From the Property of the Plaintiffs.

BUTTE, Oct. 14.—The case of Robert C. Chambers vs. Patrick A. Largey et al., which is the well known mining suit of the Bell against the Speculator, was called in Judge Melbatten's court this morning. The case has several times been reviewed in the STANDARD and therefore the points at issue are quite familiar to the public. The case, in short, is an effort to establish the right of a claim owner to follow the mineral vein, which has its apex upon his claim to wherever it may lead. It is understood that some courts have held that this is a law, and in that the Bell company seems to have a good case against the Speculator, as the latter has been taking ore from the Bell vein. There are thousands of dollars involved and the contest will doubtless be a bitter one.

The Bell mine is Anacoda property, and the Speculator is leased by W. A. Clark and others. The plaintiffs are represented by Judge Dixon, Judge Kirkpatrick and John Lindsay, the latter having been added to the list this morning. The Speculator people are represented by Mr. Stapleton, Judge Toole of Helena, and J. F. Valle of Denver, the latter also having been admitted on the case this morning. Nearly the entire morning was consumed in selecting a jury. Each side exercised its right to four peremptory challenges and three jurors were also excused for possessing divided opinions in the case. Several were biased and prejudiced and a few were engaged in mining with some of the parties to the case. The jury, as finally made up to the satisfaction of all, is composed of H. A. Shadle, Louis Vaden, Thomas H. Brown, E. Kennedy, Simon Harrisworth, A. P. Bray, C. J. Stevenson, R. L. Hornbrook, H. H. Carder, Alfred Boyer, George Broughton and M. E. Hotchkiss.

Judge Kirkpatrick, for the plaintiffs, presented the first side of the case to the jury. The suit, he explained, is an action for damages brought by the plaintiffs against the Speculator people, the cause alleged being that the defendants had without leave or right entered upon the mining claim of the plaintiffs and extracted a large amount of valuable ore for which payment is asked. That on or about the first day of Nov., 1887, and since that time the trespassing has been going on and mineral to the value of many thousand dollars has been taken and appropriated by the plaintiffs. The attorney then explained the rights of miners to the veins of ore having the apex in their claims and showed by a diagram that the Bell vein runs from west to east and then north and when near the side line of the Bell claim the vein dips to the north and under the Speculator property, but afterwards straightens up and turns back under the Bell. The charge against the Speculator people is that they sunk a shaft 425 feet deep and tapped the Bell vein which extended into the Speculator claim, and not only extracted the ore of the Bell on the Speculator side but ran a shaft toward the south and entered the Bell claim itself and continued to take out the ore until temporarily enjoined by the court; pending a hearing of this case. The counsel for the plaintiffs further said that the Speculator people knew, or should have known, that the ore they were taking ore belonging to the Bell, a matter which would be established by evidence. Of course in their answer to the complaint the defendants claimed that the vein upon which they were working was their own. But whether intentional or otherwise the plaintiffs are entitled to damages, and to prevent further trespass this suit was brought. At the conclusion of Judge Kirkpatrick's remarks the court adjourned for recess after which Attorney Valle, for the defense, presented their case. He illustrated the case with a sketch, showing the Bell and Speculator mining claims and the direction of the ore vein in dispute. The defendants will show, said Mr. Valle, that the lode claimed by the Bell does not cross the end line, as claimed by them, but crosses at an entirely different point. The Speculator people will also show that the vein upon which they worked has its apex in Speculator ground and that it joined the Bell lode making two different veins, and the controversy will be as to who is entitled to the lode after the junction of the two veins. However, even if the lode belonged to the one having its apex in Bell ground, the Bell could not follow it outside the side line of their claim, their ownership ending with the line, the same as any lot in a town would. The Bell lode was never located actually upon this particular vein, but upon another vein, and therefore they are not following their main vein, and upon this point some law will be produced that will explain the defendants' position on this question. The ore taken from the Speculator claim belongs to the Speculator. After explaining the position of the case, Mr. Valle claimed that a verdict for the plaintiffs could only be against the person who is the original lessee and has supervision over the workings of the Speculator, and not against W. A. Clark and the other defendants, who are simply recipients of ore—purchasers in the market. This closed Mr. Valle's statement and the presentation of evidence was commenced.

Judge Dixon, for the plaintiffs, presented as evidence certified copies of the original patent to the Bell claim, location notice, application for patent and deeds from the original locator to his successor, and from the latter to subsequent owners of the claim. Objections were made to the deeds and overruled by the court. E. F. Booth, deputy recorder, was called to testify to the execution and recording of a trust deed from the Bell Silver and Copper Mining company to Samuel Wells and Nathaniel Tindal of Boston. Objections were made to the introduction of this evidence and overruled by the court. A number of other papers were introduced as evidence relating to the organization of the company, James MacFarlane of Butte, civil and mining engineer, in the employ of the Anacoda company for the past six years, and a graduate of several engineering institutes of Scotland, was called to testify. Mr. MacFarlane brought out a large map of the survey of the surface and underground properties of the Bell and Speculator claims by which he illustrated the location of the different lodes, the Bell and Speculator shafts and the distance the latter extends under the claim of the former. By the map it was shown that the west shaft of the Speculator, which is alleged to have been sunk for the purpose of tapping the Bell vein, is located only 2 1/2 feet from the Bell north line, and after running a depth of about 90 feet it inclines toward the south and then to a depth of 145 feet, goes under the Bell claim. The east shaft of the Speculator mine is shown to be 180 feet from the Bell north line, and at the depth of 425 feet also goes under the Bell mine.

and tape Bell veins. Then followed a long explanation of the mining works, in which the terms stopes, apices, winzes, winzes, drifts, shafts, dips, lodes, tape, blind walls, levels, grades and raises were the principal parts heard by the uninitiated.

In the opinion of the witnesses the vein, which has its apex on the Bell property is the same one upon which the Speculator people have been at work. Another map was shown, showing the east shaft of the Speculator, and illustrating the claim that the shaft left the original Speculator vein and entered that of the Bell. An explanation was made of the way in which the Bell vein dips into the Speculator claim and then turns and reenters the Bell. The slopes from which the Speculator owners extracted ore, are situated in the Bell vein and on the latter's claim. Before the engineer could finish his testimony the time for adjournment arrived, and he will resume his story to-morrow morning.

## AMONG THE RACERS.

At Jerome Park, Oct. 14.—Six furlongs—Reckon won, Ross H. second, Kirkover third. Time, 1:17.

One mile—Lampighter won, Getysburg second, Glenmoud third. Time, 1:31.

Fourteen hundred yards—Delarian won, Catalina second, Pagan third. Time, 1:24.

Six furlongs—Exclusion won, Pick-pocket second, Mars third. Time, 1:19 1/4.

Eight and a half furlongs—Mitt Young won, Belle of Orange second, Nut Brown third. Time, 1:55 1/4.

Seven furlongs—Busted won, Waterson second, Loptio third. Time, 1:31 1/4.

At Louisville, Oct. 14.—One mile—Ollie Glenn won, Queen Towbridge second, Boro third. Time, 1:45.

Eight and a half furlongs—Kinacim won, Dr. Nave second, John Winkle third. Time, 1:53.

One mile and a quarter—Princess Lima won, Marion C. second, Business third. Time, 2:12 1/4.

Six furlongs—Wadsworth won, Gayosa second, Prince of Darkness third. Time, 1:18.

Nine furlongs—Jugurtha won, Huene second, Bob Forsythe third. Time, 2:00 1/4.

At Lexington, Ky., Oct. 14.—Track fast. Direct paced two exhibition miles in 2:10 1/4 and 2:10 1/4.

In the 2:25 class—Alhambra won, Di-rega second, Lamar third. Best time, 2:22 1/4.

Two-year-olds—Quickstep won, Red Cherry second, Benton Wilkes third, Basilica fourth. Best time, 2:27 1/4.

In the 2:15 class—Gilette won, Angelina second, Cleveland third, Kenwood fourth. Best time, 2:17 1/4.

At Garfield Park, CHICAGO, Oct. 14.—In the sixth race at Garfield park to-day Joe D. was killed in trying to make the second hurdle. His jockey, Jackson, was not seriously hurt.

One mile—Indus won, Forester second, Sea King third. Time, 1:44.

Five furlongs—Walter won, Murray second; Forester third. Time, 1:04 1/4.

One mile and a sixteenth—Verge won, Rudolph second, Kenwood third. Time, 1:47 1/4.

One mile and a sixteenth—Garter won, Lissie second, Homing Bill third. Time, 1:30.

One mile—First Day won, Somerset second, Primrose third. Time, 1:43.

One mile over hurdles—Long Shot won, Bob Thomas second, Lyle third. Time, 1:51.

At Philadelphia, PHILADELPHIA, Oct. 14.—In the 2:30 trot (unfinished from yesterday)—Cypress won, Walter Herr second, Soudan third, Tom Hamilton fourth. Best time, 2:18 1/4.

In the 2:15 trot (unfinished)—Delavan won, Florence S. and Kittie Frasier, each took two heats. Best time, 2:23 1/4.

In the 2:25 pace (unfinished)—Attractive took second and third heats, Henry H. taking first. Best time, 2:19 1/4.

AN ATHLETIC MINISTER.

Story About the College Days of Rev. Alexander Mann, at Orange, N. J., From the New York Sun.

The Latin professor at Hobart college was a popular pedagogue who did not neglect the culture of his muscle while busy developing his intellect, and he could hit out from the shoulder in the most approved style of the manly. In one of his classes was a brawny specimen of manhood, who could put on the gloves himself. It is a glorious tradition that the Latin professor accommodated his young scholar with a private session with the mittens one afternoon after recitations. Next day the Latin professor electrified the class room with a beautiful black eye, and smiled benignantly but significantly upon the student who was so handy with his hands. It is reported that the professor good-naturedly admitted the corn "the young man who did that," he said, "is every inch a Mann."

The young athletes who polished off Hobart's professor was a fine type of the muscular Christian that Tom Brown cordially admired, and everybody in Orange knows him as the Rev. Alexander Mann, the assistant rector of Grace Episcopal church. It was the Rev. Dr. Rainford, of this city, himself an athlete and an expert sportsman, who exploited the Orange clergyman's physical worth in a sermon, in which he said with some pride that Orange had a young clergyman "who boxes with his parishioners as well as labors with them for the salvation of souls."

Household of Ruth.

BUTTE, Oct. 14.—The Household of Ruth, a branch of the Silver Bow lodge, Grand United Order of Odd Fellows, was instituted last evening at the lodge rooms, corner of Mercury and Montana streets. The following officers were chosen: Noble governor, Mrs. William Birthwright; past noble governor, Mrs. B. Simington; worthy recorder, Mrs. Yoken; right noble governor, Mrs. Annie White. At the conclusion of the installation ceremonies a grand ball was held in the hall above, which lasted until after midnight. About 1 o'clock a sumptuous collation was served.

A man lives in the province of Livonia, Russia, who can cure the worst cases of hydrophobia. His medicine for the disease consists of bugs of the size of a fire-fly, which he gathers in sandy places. He keeps them in clean bottles until they become perfectly dry and shriveled to the size of a common fly. Only one dose of two such bugs kneaded in bread is sufficient to cure the worst case of hydrophobia.

Send your orders for spring water to John A. Blodgett, box 991, Butte.

## MEETING OF ALDERMEN

No Acrobatic Feats Performed at Last Night's Session.

## WILL ESTABLISH A POUND

Street Commissioner Scanlon Resigns and His Successor Appointed—Other Matters Before the Body.

BUTTE, Oct. 14.—There was not even a flying leap across the council chamber to make to-night's session of the council interesting. It was a special session, and all of the aldermen seemed anxious to get away as soon as possible. The new alderman, Mr. Campbell, appeared, adding 6 feet 1 inch to the council's dignity, and was introduced by his colleague, Alderman Bowman. His credentials were read and the oath of office administered by City Clerk Harrington. The main feature of the evening was the resignation of the street commissioner, Scanlon, and, as his successor, Alderman Lynch nominated Dennis O'Neil, and Alderman McDermott nominated Michael Kane. The ballot resulted in the election of Mr. Kane by 7 votes to 6. The judiciary committee reported ordinances establishing a free public library and establishing the grades of certain streets. These were passed without discussion. Alderman Dawson wanted to know why the pound master, if there is a pound master, was not doing his duty, and if there is not a pound master he wanted to know why the mayor had not appointed one, as he had been instructed to do.

The alderman had had a very narrow escape from a combat with a cow down near his house and he considered it dangerous as well as unpleasant to allow cows to continue roaming about the streets. The mayor said that he had tried to appoint a poundmaster several times, but he could not get an acceptable man to take it. Furthermore the city should provide a pound or it would be useless to have a poundmaster. Alderman Dawson moved that the mayor appoint a committee of three to select quarters for a pound and to report to the council. Alderman Dawson and Grandey and the mayor were made such a committee.

The city marshal brought up the matter of badges for the hackmen. He thought the badges would be too expensive for the city to stand. It was finally decided that the city furnish tin badges, and if the hackmen prefer nickel, silver or gold badges they could get them on their own hook. Alderman Dugan called attention to the disgraceful condition of North Washington street. Alderman Pascoe thought some of the boulders at least should be removed in order that the street might be passable. The mayor called attention to the unfinished condition of the grade of West Park street, and this was discussed briefly. It is understood there is some difference between the city and the contractors over the matter.

A petition from Jeremiah Roach asking to be allowed to remove a frame building from the corner of Wyoming and Broadway to a point outside of the fire limits was granted. A petition from C. R. Hawley was received, that the addition of 3 per cent. to his sewer assessment on lower Montana street be remitted, providing he pays the principal. Granted.

A petition from Rose Perkins to erect an area way in front of her building was referred. The judiciary committee reported, recommending that a bill of the water company for \$27 for removing a hydrant at the corner of Park and Washington be not allowed. This was accepted. On the recommendation of the finance committee it was voted to pay the registry agents \$100 each for their services in the election in the Fifth ward.

It was reported that owing to an error, the city could not obtain title to the 10 feet of ground purchased for fire purposes on West Quana street. It was agreed that if the owners furnished a bond to indemnify the city against possible loss, that the erection of the fire building be proceeded with at once.

IN POLICE COURT.

Cases Disposed of by Judge McMurphy Yesterday.

BUTTE, Oct. 14.—Jail Brown was the rather suggestive name under which the first prisoner in the police court was convicted this morning. The charge against him was disturbance, and in default of the regular \$5 and costs he was committed.

Joe Conahan was run in last night for a plain drunk, and after being locked up, he broke one of the windows of the jail. For this reason he found himself confronted by two charges this morning, drunk and malicious mischief. He settled for both.

The trial of Harry Wyman for loitering about houses of ill repute was concluded and decision was reserved until to-morrow.

F. Clark and Alice Brown, who were arrested on complaint of one another, were jailed for disturbance.

James Rowe paid \$10 and costs for assault and battery on Georgia Carroll.

WALKERVILLE NOTES.

Dislocated His Shoulder—Bound for England.

WALKERVILLE, Oct. 14.—The city council will meet Friday evening. The completion of the sidewalks on Daly street will be the most important business to be transacted on that occasion.

Joseph Annear and wife will return to-morrow from their three months' trip to England.

A party composed of John Richards and wife, Mrs. John H. Martin and Mrs. John Harbly left last Monday for England. They expect to be absent about six months.

John Martin, a young man of about 19 years, had his shoulder dislocated by falling down a partially filled up prospect hole in the vicinity of the Blue Wing mine last evening.

Annie Oakley R. G. Club.

BUTTE, Oct. 14.—At the annual meeting of the Annie Oakley R. G. club this evening, the following officers were elected: Mrs. C. H. Smith, president; Mrs. E. G. Paxson, vice president; Mrs. M. Wright, treasurer; Mrs. C. Schaefer, secretary. The following new members were elected: Mrs. A. Walker, Mrs. Ed McKinley and Mrs. H. Eastman. The club will attend in full force the coming tournament.

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## GAINING EXPERIENCE.

How Two Young Men From Connecticut Viewed the Sights of the West.

BUTTE, Oct. 14.—Two young men, aged about 19 and 21, crawled cautiously out of a box car, which was standing on the tracks near the Great Northern railroad depot this afternoon. As the pair alighted they groaned in the bitterness of spirit. Their hands and faces were evident strangers to soap and water, while a change of raiment was a luxury unenjoyed for many weeks. Their faces bore traces of refinement which distinguished them from the hobo. Their dejected countenances and forlorn looks generally plainly indicated that they were unaccustomed to the vicissitudes incidental to life on the road. "Carrying the banner" was something entirely new to them. The name of the older one was Arthur Nye and the other young fellow answered to the lively name of Riley. Until six weeks since these young adventurers had always pursued the even tenor of their way surrounded by the classic clime of New Haven, Conn. In this particular case the well-trodden paths of romance were departed from and all precedents rubrically disregarded. The boys were not the victims of a cruel father or tyrannous guardian, and incredible as it may seem, did not steal out of the house in the dead of night and with a scanty supply of clothing and only a few dollars boarded a freight train for the West. On the contrary they left their home with the parental blessings and with a send-off as hearty as was given the prodigal son as he was setting off on his journey into the far country. They bought first-class tickets to Chicago and on the journey revelled in the luxury of a Pullman car. On arriving at the metropolis of the West, the young men started in on a tour of sight seeing. So many strange things they saw which had never been encountered before that it took several weeks to do justice to them all, and in the meantime a serious drain on their purses was going on. Finally their finances were at such a low ebb that the awful necessity of work stared them in the face. This was a contingency not expected quite so soon. But the boys accepted the inevitable and began to look about for some occupation. Their attempts were futile until one day, attracted by the stories of unusual chances for success in Montana they stole through the end windows of a box car and started upon their journey. This mode of travel is not considered by old tourists to be either the safest or the most comfortable; but what with riding on brakebeams and dodging the ever watchful "brakey" they finally landed in this city, the goal of their privations and tribulations. And as the pair were seated mournfully on a pile of timber beside the car they had just crawled out of, one might have excused them for saying: "I will arise and go to my father."

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